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Hearing Date: May 18, 2022, 10:00 a.m.

Opposition Date: April 12, 2022

Reply Date: May 12, 2022

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR
PROTECTION CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC, and Bernard
L. Madoff,

Plaintiff,

v.

THE SUMITOMO TRUST AND
BANKING CO., LTD,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 11-02573 (CGM)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in support of Defendant The Sumitomo Trust and Banking Co., Ltd.'s Motion to Dismiss the amended complaint in the above-captioned action, the Declaration of Tara Q. Higgins dated as of the date hereof and exhibits thereto, and all prior pleadings and proceedings herein, Defendant The Sumitomo Trust and Banking Co., Ltd. ("Sumitomo") will move this Court for an order dismissing the amended complaint filed by Irving Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, pursuant to Rules 8(a), 9(b), 10(c), and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rules 7008(a), 7009, 7010, and 7012(b) of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendant does not consent to the entry of final orders or judgment by this Court.

Dated: New York, New York
February 11, 2022

**BECKER, GLYNN, MUFFLY,
CHASSIN & HOSINSKI LLP**

By: /s/ Zeb Landsman
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